



Year 2004 Legislative Agenda

Bill Briefs — July 14, 2004

The Commission's agenda for 2004 continues to focus on issues of the ***Underserved*** and ***Economic Security*** (including impact of state budget cuts on women and their families). Other priority areas include *Incarcerated Women, Access to Health Care, the Preservation of Women's Reproductive Freedom, Violence Against Women, Gender Equity in Education and Employment, Family Law, and Child and Other Dependent Care*.

Because we still do not have a State budget, the Legislature has not fully adjourned for its Summer Recess. However, this is still a good time to touch base with your elected representatives and/or their staff in the district offices to let them know about your priorities and request their support for key legislation still on its way to the Governor's Desk. The full schedule of hearings will resume on Monday, August 2. Final Recess is scheduled to begin at the end of the day on August 31, which is also the last day for each house to pass bills. The Governor has until September 30 to sign or veto bills.

This update reflects the status of the Commission's current priority bills. Two-year bills are preceded by an asterisk*. *Measures identified as "Chaptered" in our 6/3 update are no longer shown.* A number of bills are now considered "dead" because they were held in committee, failed passage, or were dropped by the author. The hearing date of each bill, if one has been set, is reflected on the "Status" line. Before taking any action, it is important to check for bill amendments by contacting the author's office or checking it out on the Internet at www.leginfo.ca.gov.

If you have questions or would like more information on women's legislation, contact Vicki Atwood, the Commission's Legislative Coordinator, at 916-322-9462, or via email at vatwood@women.ca.gov.

Child and Other Dependent Care

SB 1178 (Kuehl) would enact the Teen Parents in Foster Care Act and make legislative findings and declarations regarding the need to provide resources and support to dependent minor parents.

Status: Assembly Appropriations, August 4

Position: *Support*

SB 1413 (Brulte/Scott) would prohibit, under certain circumstances, a person from being held liable for civil damages as a result of helping someone surrender physical custody of a child to a "safe-surrender" site.

Status: Signed by the Governor, Chapter #103

Position: *Support*

Economic Security

AB 1918 (Montañez) would allow school employees to use up to six weeks of differential pay leave to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a new child.

Status: Senate Floor

Position: *Support*

AB 2317 (Oropeza) would increase the damages an aggrieved employee may obtain if successful in bringing a civil action against an employer who has violated existing equal pay laws to included a specified civil penalty, and would mandate the types of damages employees should recover if successful in bringing a civil action against their employer for wage discrimination.

Status: Senate Floor

Position: *Support*

AB 2989 (Corbett) would allow CalWORKs recipients to receive aid for a cumulative period of not more than 48 months if he or she has signed a welfare-to-work plan and is continuously enrolled in a training program for registered nurses approved by the Board of Registered Nursing. This shall apply only to Alameda County if that county elects to provide aid under these provisions.

Status: Senate Appropriations, August 2

Position: *Support*

SB 1156 (Alarcón) would encourage access to microenterprise development in order to create new jobs and income opportunities for individuals of low- and moderate-income.

Status: Signed by the Governor, Chapter #87

Position: *Support*

SB 1639 (Alarcón) would expand education and training options for low-income parents and foster youth. Among other provisions, would allow study time to complete homework assignments to the list of activities deemed welfare-to-work activities; ensure that CalWORKs parents and foster youth receive information about postsecondary education & training opportunities and student financial aid; and authorize Community Colleges to add highly effective English Immersion programs to curriculum.

Status: Assembly Appropriations, August 4

Position: *Support*

Education

***AB 618 (Levine)** requires the Department of Motor Vehicles to issue commemorative license plates for collegiate sports organizations and professional sports teams. Revenue generated would support Title IX compliance programs.

Status: Dead

Position: *Support*

AB 2240 (Oropeza) would enact the Equity in Athletics Bill of Rights, specifying a student's rights relating to gender equity in athletics. Would also require the State Department of Education to post the bill of rights on its website and would require a school district that elects to offer competitive or club sports to print and post posters setting forth the bill of rights.

Status: Senate Appropriations, August 2

Position: *Support*

AB 2323 (Jackson/Oropeza) would require the State Department of Education to develop a Gender Equity Compliance Survey for high schools offering competitive or club sports opportunities. Schools shall be required to submit the survey annually to the Department as part of its Coordinated Compliance Review and report the results to the public.

Status: Dead

Position: *Support*

***SB 193 (Murray/Burton)** would enact the Student Athletes' Bill of Rights which would, among other things, eliminate participation by California institutions of higher education in the National Collegiate Athletic Association (NCAA).

Status: Dead

Position: *Oppose*

Employment

***AB 1229 (Simitian)** would provide that, except in certain circumstances, an employer who grants an opportunity or benefit to an employee because that employee submits to the employer's sexual advances or requests for sexual favors is liable for unlawful sex discrimination against other persons who were qualified for, but denied that employment opportunity or benefit.

Status: Senate Appropriations Suspense File

Position: *Support*

AB 1825 (Reyes) would require employers with 50 or more employees to provide 2 hours of training and education in sexual harassment to all supervisory employees within one year of January 1, 2005, unless they have provided such training after August 1, 2003. After January 1, 2006, employers would be required to provide training and education to each supervisory employee once every 2 years.

Status: Senate Appropriations, July 19

Position: *Support*

AB 2889 (Laird) would make employers responsible for acts of non-employees with respect to all forms of harassment in the workplace in cases where the employer or its agents or supervisors knew or should have known of the conduct and failed to take immediate and appropriate corrective action.

Status: Senate Appropriations, August 2

Position: *Support*

Equality

AB 358 (Jackson) would require the State to implement the principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by addressing discrimination against women and girls. Beginning January 1, 2006, the state departments of Corrections, Education, and Health Services would be required to conduct, in consultation with the commission, an evaluation of their departments to ensure non-discrimination against women in the allocation of funding and the delivery of services.

Status: Senate Appropriations, July 19

Position: *Support*

AB 2404 (Steinberg) would prohibit gender discrimination by cities or counties in the administration of community youth athletic programs and in the allocation of parks and recreation facilities and resources that support such programs and activities. Would also create an independent right to bring a civil action for equitable and monetary relief.

Status: Senate Floor

Position: *Co-Sponsor*

AB 2662 (Jackson) would require the State to implement the principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by addressing discrimination against women and girls. Would also require the Governor to evaluate state agencies and departments to ensure that the State does not discriminate against women in the allocation of funding and delivery of services.

Status: Dead <See AB 358 (Jackson) above>

Position: Support

AJR 60 (Lieber and Leno) would request the President and U.S. Congress to adopt the Permanent Partners Immigration Act of 2003, which would add the phrase “or permanent partner” to sections of immigration law that provide immigration rights to legally married couples. Would allow gay and lesbian citizens to sponsor their partners as U.S. residents.

Status: Senate Judiciary

Position: Support

***SB 301 (Alarcón)** would create the Commission on Latino/Latina Affairs to advise the Governor, the Legislature and state agencies, departments, and commissions on issues relating to social and economic development, rights, and interests of Latino/Latina communities.

Status: Assembly Appropriations, August 4

Position: Support

SB 1234 (Kuehl) would revise and recast existing provisions of the law relating to hate crimes by, among other things, providing a definition for the term “hate crime”.

Status: Assembly Appropriations Suspense File

Position: Support

Family Law

***AB 252 (Jackson)** would permit the Department of Child Support Services to review the current practices of process service regarding paternity and to develop methods to increase personal delivery. Would also require a court to inform an alleged father of a child of his right to have genetic testing performed to determine if he is the biological father and of his right to move to set aside or vacate a judgement of paternity, as specified.

Status: Senate Appropriations, August 2

Position: Support

AB 2018 (Chu) would provide that in divorce proceedings, if there is a judgment for civil damages for an act of domestic violence, the court may enforce that judgment against the abusive spouse’s share of community property.

Status: Assembly Floor for Concurrence in Senate Amendments

Position: Support

AB 2089 (Jackson) would require the Judicial Council to develop, post on its website, distribute, and annually update a fact sheet on marriage rights to be distributed by county clerks to marriage license applicants.

Status: Senate Appropriations

Position: Support

***SB 339 (Alpert)** would enact the Private Child Support Act to regulate the activities of private child support collectors. Among other things, it would limit the child support that can be collected and the fees that may be charged by a private child support collector.

Status: Assembly Floor

Position: *Support*

***SB 734 (Ortiz)** would help ensure that the courts protect children from domestic violence by imposing supervised visitation or denying visitation when there is a preponderance of evidence that the parent has perpetrated domestic violence.

Status: Dead

Position: *Support*

***SB 1030 (Ashburn)** would allow a paternity judgment established by default to be set aside if genetic testing indicates the man is not the biological father.

Status: Dead <See AB 252 (Jackson) above— Ashburn Principal Co-author>

Position: *Oppose*

SB 1367 (Burton) would state legislative intent to enact legislation to ensure that a change in the residence of a parent entitled to custody of a child not be frustrated by undue delay.

Status: Dead

Position: *Support*

Health Care Access

***AB 232 (Chan)** would require hospitals to, among other things, develop and post a policy regarding self-pay patients; limit fees to the price paid by large government payers such as Medi-Cal; and provide information about Medi-Cal, Healthy Families and other programs for which they might be eligible.

Status: Senate Appropriations Suspense File

Position: *Support*

***AB 1006 (Chu)** would establish the Healthy Schools Act of 2003, prohibiting all public schools from using the most highly toxic pesticides on school property.

Status: Dead

Position: *Support*

AB 2012 (Chu) would prohibit, on or after January 2, 2006, the manufacture, processing, or distribution of cosmetic and personal care products containing phthalates.

Status: Senate Appropriations, August 8/02

Position: *Support*

AB 2013 (Steinberg) would eliminate the Statewide Fingerprint Imaging System used in determining eligibility for AFDC and the Food Stamp Program.

Status: Dead

Position: *Support*

AB 2025 (Chu) would prohibit the manufacture, sale, or distribution of any cosmetic product containing reproductive toxicants, carcinogens, or mutagens.

Status: Dead <See AB 2012 (Chu) above>

Position: *Support*

AB 2208 (Kehoe) would require health care plans and insurers to provide coverage to a registered domestic partner of an employee, subscriber, insured, or policyholder that is equal to the coverage provided to a spouse.

Status: Senate Appropriations, July 19

Position: *Support*

AB 2324 (Chan) would require state programs that directly furnish information or provide services to the public to collect data regarding the race, ethnicity, and primary language of all program participants, on a voluntary basis.

Status: Dead

Position: *Support*

ACR 225 (Cohn) would designate October 2004 as Breast Cancer Awareness Month and designate October 8 as Breast Examination & Mammography Awareness Day.

Status: Assembly Rules

Position: *Support*

AJR 53 (Reyes) would request the President and Congress to enact legislation which would make the Breast Cancer Stamp Program permanent.

Status: Adopted

Position: *Support*

AJR 70 (Garcia) would request the President and Congress to respond to the growing risk of women contracting, and the increased numbers of women who have contracted, HIV/AIDS by providing more funding for prevention, outreach, and treatment programs.

Status: Adopted, Resolution Chapter #98

Position: *Support*

***SB 379 (Ortiz)** would require hospitals to develop a charity care and reduced payment policy for patients without health insurance, specifying the financial criteria and procedure used to determine eligibility for charity care or reduced payment.

Status: Assembly Appropriations, August 4

Position: *Support*

***SB 921 (Kuehl)** establishes the California Health Care System to be administered by a newly created Health Care Agency to provide universal health care coverage for all Californians through a publicly financed system.

Status: Assembly Appropriations

Position: *Support*

SB 1168 (Ortiz) would require the establishment of the Healthy Californians Biomonitoring Program to “measure the pollution in people” and assist scientists, medical professionals, and community members in making more informed decisions and developing better policies to protect public health. The Program would be funded by the assessment of fees on manufacturers or persons who directly produce toxic chemicals.

Status: Failed Passage in Assembly Health

Position: *Support*

SB 1196 (Cedillo) would authorize sharing of the National School Lunch Program application for purposes of determining eligibility for the Healthy Families Program and any other county-or locally-

sponsored health insurance programs when a child does not meet Medi-Cal eligibility requirements, and if the parent or guardian has consented to sharing of information.

Status: Assembly Appropriations, August 4

Position: *Support*

SB 1275 (Ortiz) would recommend that general acute care hospitals provide or arrange for basic lactation management training and safe preparation and appropriate bottle feeding techniques of infant formula for all health care practitioners authorized to perform such services and who work primarily in the hospital maternity unit and nursery. SB 1275 would further require infant formula manufacturers that distribute free formula samples in the hospital to include a notice stating that this practice does not constitute an endorsement by the hospital or health care provider of the company or product.

Status: Failed Passage in Assembly Health

Position: *Support*

SB 1525 (Speier) would require the Family PACT Program within the Office of Family Planning to administer the breast and cervical cancer early detection program.

Status: Assembly Appropriations Suspense File

Position: *Support*

SB 1555 (Speier) would require all health insurers to provide coverage for maternity services, including prenatal care, ambulatory care maternity services, involuntary complications of pregnancy, neonatal care, and inpatient hospital maternity care, including labor and delivery and postpartum care.

Status: Assembly Floor

Position: *Support*

SB 1741 (Hollingsworth) would revise existing law pertaining to the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act.

Status: Dead

Position: *Oppose*

SCR 59 (Machado) would declare May 2004 as Teen Pregnancy Prevention Awareness Month to coincide with May 5, 2004, the National Day to Prevent Teen Pregnancy.

Status: Assembly Inactive File

Position: *Support*

Reproductive Health

AB 2291 (Haynes) would require all physicians and surgeons who provide abortions under Medi-Cal to obtain a written statement from the patient which states she was not coerced into having an abortion and her decision was voluntary. Would also require providers to submit the statement along with the claim for payment in order to be reimbursed for performing the procedure.

Status: Dead

Position: *Oppose*

AB 2331 (Mountjoy) would require, for an abortion performed in the 3rd trimester of pregnancy, physicians to offer the pregnant woman information and counseling on fetal pain, as well as anesthesia for the fetus.

Status: Dead

Position: *Oppose*

AB 2563 (Bogh) would impose additional penalties on pregnant women who are under the influence of controlled substances in the amount of a \$10,000 fine and one year in state prison, or both. Also

would require life imprisonment for child abuse resulting in death and adds this crime to the serious felony list.

Status: Dead

Position: *Oppose*

SB 1221 (Morrow) would require school districts to specifically send a separate notice to parents or guardians that students may be released from school for confidential medical services without parents' permission. Also would not limit the authority of a school district to permit a pupil to leave campus without parental permission.

Status: Failed Passage in Assembly Education

Position: *Oppose (as amended 6/17 neutral position reversed)*

SB 1590 (Dunn) would prohibit disclosure of personal information received, collected, or compiled by certain public agencies regarding the employees, volunteers, board members, owners, partners, officers, or contractors of a reproductive health facility who have notified the agency if their personal information is contained in a document that relates to the facility.

Status: Assembly Appropriations, August 4

Position: *Support*

SB 1593 (Hollingsworth) would require all physicians and surgeons who provide abortions under Medi-Cal to obtain a written statement from the patient which states she was not coerced into having an abortion and her decision was voluntary. Would also require providers to submit the statement along with the claim for payment in order to be reimbursed for performing the procedure.

Status: Dead

Position: *Oppose*

Violence

AB 2403 (Jackson) would create a new crime of unlawful surveillance and impose penalties for persons found guilty of capturing visual images of a person in their own home without his or her consent and/or disseminating the images collected from any such electronic home invasion.

Status: Senate Floor

Position: *Support*

AB 3042 (Yee) would provide that any person with a felony conviction for a specified offense involving unlawful sexual intercourse, sodomy, lewd and lascivious acts, and oral copulation with a minor for money or other consideration is punishable by an additional one-year term of imprisonment in state prison.

Status: Senate Appropriations Suspense File

Position: *Support*

ACR 148 (Cohn) would proclaim October 2004 as Domestic Violence Awareness Month.

Status: Assembly Rules

Position: *Support*

ACR 149 (Cohn) would proclaim October 8, 2004, as Health Cares About Domestic Violence Day.

Status: Assembly Rules

Position: *Support*

ACR 183 (Dymally) would proclaim May of every year as Elder and Dependent Adult Abuse Prevention Month.

Status: Assembly Rules

Position: *Support*

ACR 197 (Maze) would recognize April 21, 2004, as Denim Day California to encourage awareness of issues relating to rape and sexual assault.

Status: Senate Rules

Position: *Support*

ACR 198 (Garcia) would proclaim May 2004 as Elder Abuse Prevention Month.

Status: Assembly Rules

Position: *Support*

AJR 64 (Chu) would call upon local, state, and federal law enforcement authorities to work to prevent bias-motivated crimes and to investigate and prosecute vigorously all such crimes against all Americans, including Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans.

Status: Adopted, Resolution Chapter #93

Position: *Support*

SB 1385 (Burton) would make various changes in existing law related to domestic violence and “battered women’s syndrome”. Would expand the class of survivors eligible to file a habeas petition to include: 1) those who committed any crime so long as the abuse is directly related to the act, and 2) abused women whose offenses occurred prior to August 29, 1996.

Status: Assembly Floor

Position: *Support*

SB 1441 (Kuehl) would give victims of domestic violence the right to have a domestic violence advocate and a support person of his or her choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys. Also would require the attending law enforcement authority or district attorney to notify a victim of domestic violence of that right prior to commencement of an initial interview.

Status: Governor’s Desk

Position: *Support*

Women in Prison

***AB 1530 (Negrete McLeod)** would require the State Department of Corrections to admit to a community treatment program any applicant who meets admission criteria, whose child was born prior to her incarceration, or who is pregnant.

Status: Senate Appropriations, July 19

Position: *Support*

AB 1796 (Leno) would permit persons with felony convictions involving possession or use of drugs to qualify for aid under the Food Stamp Program by providing that California opt out of the lifetime federal disqualification from food stamps for such persons.

Status: Senate Appropriations Suspense file

Position: *Support*

AB 1803 (Bermúdez) would provide a procedure for placement of infants born to women incarcerated in state prison or California Youth Authority facilities. Would also require that pregnant women be given information about options for placement and the potential for termination of parental rights under the federal Adoption and Safe Families Act, and that she be assisted in authorizing a placement plan for her newborn.

Status: Dead

Position: *Support*

AB 1914 (Montañez) would establish within the Department of Corrections the Robert E. Burton Correctional Education Committee. The Committee would, among other things, be required to develop and implement a plan for providing transitional educational services for inmates, including counseling and placement services.

Status: Senate Appropriations, August 2

Position: *Support*

AB 1941 (Chan) would state the intent of the Legislature to encourage law enforcement and county child welfare agencies, in collaboration with specified organizations and agencies, to develop protocols regarding how to best cooperate in their response to the arrest of a caretaker parent in a home where a minor child resides in order to ensure the child's safety and well-being.

Status: Senate Appropriations Suspense File

Position: *Support*

AB 1946 (Steinberg) would modify the California Department of Corrections' (CDC) compassionate release process to increase the awareness of CDC medical staff and families of terminally ill prisoners regarding compassionate release. Among other things, it would make prisoners who are diagnosed with a disease that would produce death within 6 months, and whose release is not considered a threat to public safety, eligible to have their sentence re-called and to be re-sentenced.

Status: Senate Inactive File

Position: *Support*

SB 1287 (Kuehl) would require, prior to acceptance of a plea, as specified, that the court advise the defendant that if the defendant is a custodial parent, a conviction may have consequences for his or her parental rights. Would require the CDC to maintain existing policies and procedures that foster family contact and parent-child bonding; to provide a child-friendly environment for visits between incarcerated parents and their children; and to provide information and resources for families of the incarcerated, including, specifically children of incarcerated parents, on the Department website.

Status: Assembly Appropriations, August 4

Position: *Support*